

Atty. Docket No. JP919990315US1
(590.048)

REMARKS

In the Office Action dated November 23, 2004, pending Claims 1-19 were rejected and the rejection made final. In response Applicants have filed herewith a Request for Continued Examination and have amended independent Claims 1, 6, 10, 13, and 16-19 and presented new dependent Claim 20. Applicants intend no change in the scope of the claims by the changes made by this amendment. It should be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. On February 23, 2004, Applicants' counsel conducted a telephone interview with the Examiner in which the present application and the Chang et al. reference were discussed. No agreement, however, was reached with respect to the claims of the present application.

The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Claims 1-19 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 6, 10, 13, and 16-19 are independent claims; the remaining claims are dependent claims. Claims 1-19 stand rejected under 35 USC 102(b) as being anticipated by Chang et al. Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

The present invention broadly contemplates a system and method for web page acquisition which reduces the waiting time experienced by a user who accesses a network site when the network is busy and reduces the load imposed on the server of a provider. (Page 4, lines 15-17) As discussed in the application, a schedule for the acquisition of a web page is prepared by applying a predetermined scheduling rule for an acquisition list. (Page 25, lines 1-10) One such scheduling rule is the acquisition of a web page to be performed within a time period during which the volume of the communication traffic is small. (Page 25, lines 8-10)

As best understood, Chang et al. appears to be directed to methods and apparatus for accessing, *inter alia*, web pages maintained by a network server, and in particular scheduling the download of data from the World Wide Web without keeping the requesting computer system power on all the time till the upcoming download activities. (Col. 1, lines 7-15) See Col. 6, lines 60-63 ("The most important advantage of this invention is that the requesting computer system does not have to be power on all the time till the upcoming download activities.") Addressing power conservation issues stands in stark contrast to the present invention.

Claim 1 has been rewritten to recite, *inter alia*, in accordance with said acquisition conditions included in said web page acquisition request received from said user terminal and at least one predetermined scheduling rule, said web page acquisition server acquires a web page source from a web server on said communication network and transmits said web page source to said user terminal. (emphasis added) Similar language also appears in the other independent Claims.

Atty. Docket No. JP919990315US1
(590.048)

It is respectfully submitted that Chang et al. clearly falls short of present invention (as defined by the independent claims) in that, *inter alia*, it does not disclose using at least one predetermined scheduling rule. Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

In view of the foregoing, it is respectfully submitted that independent 1, 6, 10, 13, and 16-19 fully distinguish over the applied art and are thus in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 6, 10 and 13, it is respectfully submitted that Claims 2-5, 7-9, 11-12, 14-15, and 20 are also presently allowable.

/

/

/

/

/

/

/

BEST AVAILABLE COPY

Atty. Docket No. JP919990315US1
(590048)

In summary, it is respectfully submitted that the instant application, including Claims 1-20, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Stanley D. Ference III
Registration No. 33,879

Customer Number 35195
FERENCE & ASSOCIATES
400 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicants

BEST AVAILABLE COPY